

**REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
DECEMBER 16, 2002**

The REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL was held on Monday, December 16, 2002, at 7:02 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Steve M. Vaughn, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspapers, radio stations, television stations and concerned citizens.

Chairman Rozier called the meeting to order; Councilmember Spooner led in the Invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Rozier asked Council's pleasure on the Approval of Minutes for the following meetings: Public Hearings; Bills Numbered 02-45, 02-46, 02-47, 02-48, 02-49, 02-50, 02-51, and 02-54; Bill No. 02-55 (Chas. Midstream); and Regular Council Meeting, November 25, 2002.

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to approve the Minutes as presented. The motion passed by unanimous voice vote of Council.

No one signed up for **PUBLIC DISCUSSION**.

Chairman Rozier stated an Executive Session was needed to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to go into Executive Session for the reason stated. The motion passed by unanimous voice vote of Council.

Berkeley County Council went into Executive Session at 7:06 p.m. and returned at 7:45 p.m.

Mr. Stokes stated Berkeley County Council went into Executive Session to discuss matters as stated in the motion; no formal action was taken.

Chairman Rozier stated that next on the agenda was Ms. Charlotte Allen, CPA, Bryan, Turesdale, Atkins and Williams, PA, Certified Public Accountants, Re: Presentation of Audit and Financial Statements.

Ms. Allen thanked Council for the opportunity to work with them and stated the audit went more smoothly this year than it had for the past several years. She thanked all of the County employees involved in the audit for their cooperation and assistance in making this happen. Ms. Allen stated Council received the Financial Statements by mail and currently has copies of the Management Letter for the County as a whole, and also, Berkeley County Water and Sanitation, which were audited separately earlier in the year. Council's packet also contained a copy of the letter addressed to the Finance Committee, which is a Committee of the whole.

Ms. Allen stated that the statement of Auditing Standards 61 is promulgated by the AICPA (Institute of Certified Public Accountants), which recognizes that communication with Audit Committees and Councils is often limited to perhaps one formal meeting a year, and tries to insure that they as auditors do not take for granted that everything that should be communicated has been done.

Ms. Allen stated the letter distills the terms of their 3-5 page Engagement Letter or contract into three paragraphs under the heading "Our Responsibility under Generally Accepted Auditing Standards and OMB Circular A-133." OMB is the federal office of management and budget, which oversees the expenditure of federal funds. Since Berkeley County expended \$5,000,000.00 in federal grants in the 2002 fiscal year, it is subject to their regulations and was required to undergo expanded audit procedures referred to as a single audit. She stated this section clarifies what they undertake to do in accomplishing the audit. They plan and perform their audit to obtain reasonable but not absolute assurance about whether the financial statements are free of material misstatement, which is a piece of information that could cause the user to make a different judgment about a matter if he/she had that information. Ms. Allen indicated via the single audit reports they do call attention to any noncompliance they encounter in the course of the audit. The Management Letter is another vehicle they use for pointing those issues out.

Ms. Allen stated they did examine on a test basis the County's compliance with the requirements of the major federal programs and expressed an opinion on the compliance and control over federal money.

Next, Ms. Allen addressed "Accounting Estimates."

She stated the three bulleted items point out areas where management's estimates play a significant part in determining the amounts recorded in the financial statements as due to or payable by the County, and the basis that management use for making those estimates.

Ms. Allen stated the rest of the letter is fairly self-explanatory and largely conveys that there were no problems experienced during the course of the audit that needed to be communicated to Council.

Chairman Rozier indicated that Page 57 expressed an "unqualified opinion". Much was made of that word during a certain campaign. He stated he would like to clarify that an "unqualified opinion" is good and is what the County wants. Ms. Allen stated that was correct.

Ms. Allen stated that at the bottom of Page 57 are the two major federal programs they audited in detail and expressed an opinion, which were the Bonneau Water Extension Project and Child Support Enforcement. She stated an unqualified opinion was given for the whole report.

Ms. Allen addressed the General Purpose Financial Statements beginning on Page 2 – 53. She stated this document was produced by the County's Finance Department. The Auditor's contribution, other than review, was the letter that appears on Page 1, which is their opinion letter. She stated their responsibility in regards to the audit is to express an opinion on the document that the Finance Department presents. The fourth paragraph states, "In our opinion, the general purpose financial statements referred to above present fairly, in all material respects, the financial position of Berkeley County." If there were such a thing as a qualified opinion it would be written, "except for."

Councilmember Crosby asked about the disagreement with management statements. Ms. Allen stated there were no disagreements with management and there were no significant difficulties.

Ms. Allen stated the part that Council may be most interested in is on Page 8, which is the actual budget that presents the budgeted General and Special Revenue Funds. Close to the bottom of the page, Council budgeted to spend \$2,042,827 of the General Fund's accumulated fund balance. The final result was essentially break even with a surplus of \$13,000.00 or a favorable variance of the \$2,042,827. She stated this was achieved through a combination of cost containment amounting to about \$1.3 million and tax revenues coming in enough over budget to make up for shortfalls in most other revenue categories.

Chairman Rozier stated that fines, forfeitures, and fees were \$329,983.00 short; our interest on investments were \$436,600.00 short, which were out of the county's control; and State Revenues were \$355,970.00 short. He stated the County was short \$1,380,641.00 of what was expected. In light of that, the County still received a total of \$420,778.00 more than anticipated. Chairman Rozier stated the County actually spent \$1,310,000.00 less than it

anticipated spending for a total of \$1,731,000.00. Added to the fund balance was \$13,183.00 and that's the first time since 1998 that this had happened. When you add the small amount of \$13,183.00 to the \$2,042,000.00 we didn't spend, it totals \$2,056,000.00 that was kept in the fund balance. The fund balance was anticipated to drop to \$4,265,000.00 at the end of June 30, 2002; however, that amount was actually \$6,321,000.00. Chairman Rozier stated, "We did pretty doggone good." It was a combination of collecting everything we could, and implementing the spending and hiring freeze, which saved a lot of money. He stated he also credits and congratulates the employees, directors and elected officials for cooperating in making it work.

Ms. Allen stated that because there weren't any big areas of the County's current expenditures that stood out overall is probably the best example. She stated there was a deficit in Public Safety but it had been larger in the past. This was pretty much break-even when you consider how much money is involved.

Chairman Rozier stated that when the spending and hiring freeze was implemented, it was not taken away from Public Safety.

Ms. Allen addressed Page 10 that detailed the activity in the Proprietary funds, which encompasses Cypress Gardens, E-911, and Berkeley Water and Sanitation. The major component is the Water and Sanitation Fund, which was audited separately earlier this year. A separate audit is done because of the bonding requirements. There was income from operations of the Proprietary funds of \$5.1 million, which is down from the prior year of \$5.5 million.

Ms. Allen stated the Management letter details some areas, which would be opportunities to increase efficiency or areas that need improvements. They've gone over these comments with the departments that are affected in some details and have discussed possible courses of action with them and their responses are contained in the letter, or in a separate letter in the case of Berkeley Water and Sanitation. She stated they usually monitor from year-to-year progress on these issues.

Councilmember Crosby asked about the Special Tax Districts on Pages 40-41?

Ms. Allen stated the Special Tax Districts work in different ways; they don't all have the same involvement with the County. With some of them, the only thing that happens is the money is collected on their behalf and turned over to them to be expended by way of a checking account or a set of books. Others would submit expenditures to the County to perform the management functions and issues those checks. To the extent that payroll is paid through the County, they do come under the audit procedures. She stated they audit the whole County, so, they are not audited any more or less than any other Special Revenue Fund.

Councilmember Crosby asked that since the County collects the funds for Special Tax Districts and disburses them, is that why it's listed as a part of our documentation?

Ms. Allen stated that's usually because of the amount of control Council has over the appointment of the commissions. For instance, all the of members of the commissions or boards are appointed by County Council, and that level of control under accounting standards says it has to be a Special Revenue Fund of that district. If their members were elected at large they probably would not be contained in this document. The same way the school district is not; they are an agency fund and the County reports how much money is held on their behalf. She stated that a Special Tax District with revenues of \$1.8 million is going to get more attention than Pimlico, which has \$24,000.00 because it is in relation to the County as a whole.

Councilmember Steve Davis asked was this audit done each year for Berkeley County? Ms. Allen stated they have had the contract for a number of years. Councilmember Steve Davis asked were these points in reference to the Special Tax Districts discussed last year? Ms. Allen stated the procedures have been in place for some time. (A copy of the General Purpose Financial Statements are attached hereto and by this reference is made a part hereof.)

Chairman Rozier commended Ms. Allen for the outstanding audit and stated, "We are proud of where we are, and thanks to the Finance Department for a great job."

Chairman Rozier stated there were 10 Bills for Third Reading and he read those.

THIRD READINGS:

"BILL NO. 02-55, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY AND SALE OF NOT EXCEEDING \$7,000,000 AGGREGATE PRINCIPAL AMOUNT OF BERKELEY COUNTY, SOUTH CAROLINA, INDUSTRIAL DEVELOPMENT REVENUE BONDS; THE LENDING OF THE PROCEEDS OF THE BONDS TO PROVIDE FUNDS TO CHARLESTON MIDSTREAM TRANSFER FACILITY, LLC (THE 'COMPANY') TO DEFRAY THE COST OF ACQUIRING CERTAIN MACHINERY, EQUIPMENT, AND OTHER PROPERTY; THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE OF THE BONDS, INCLUDING A LOAN AGREEMENT BETWEEN THE COUNTY AND THE COMPANY; A TRUST INDENTURE, SECURING SUCH ISSUE OF BONDS AND PRESCRIBING MATTERS RELATED THERETO; A BOND PURCHASE AGREEMENT; AND AN OFFERING MEMORANDUM WITH RESPECT TO THE BONDS; AND OTHER MATTERS RELATING THERETO."

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve **Bill No. 02-55** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-12-57 is attached to these Minutes.)

"BILL NO. 02-56, AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35, ADOPTED AUGUST 27, 2001, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, 'BERKELEY COUNTY ZONING

ORDINANCE' AND TO REPEAL IN THEIR ENTIRETY ORDINANCES NUMBERED 86-12-10, 87-9-17, 88-2-3 AND 93-12-33."

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve **Bill No. 02-56** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-12-58 is attached to these Minutes.)

"BILL NO. 02-57, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #263-00-03-028."
(New South Enterprises, Inc.)

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve **Bill No. 02-57** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-12-59 is attached to these Minutes.)

"BILL NO. 02-58, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS # 222-00-00-050.
(George R. Herrin as Trustee)

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve **Bill No. 02-58** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-12-60 is attached to these Minutes.)

"BILL NO. 02-59, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #222-11-00-037."
(Linda L. Berger)

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve **Bill No. 02-59** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-12-61 is attached to these Minutes.)

"BILL NO. 02-60, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO A RECLASSIFICATION OF APPROVED USES OF TMS #195-14-00-064."
(Doretta M. Olszewski)

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve **Bill No. 02-60** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-12-62 is attached to these Minutes.)

"BILL NO. 02-61, AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED ON APRIL 24,

1995, BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND WILLIAMSBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN BOTH BERKLEY COUNTY AND WILLIAMSBURG COUNTY AS PART OF A JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve **Bill No. 02-61** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-12-63 is attached to these Minutes.)

“**BILL NO. 02-62**, AN ORDINANCE AUTHORIZING BERKELEY COUNTY, SOUTH CAROLINA (THE ‘COUNTY’) TO ENTER INTO A SECOND ADDENDUM TO THAT CERTAIN PERSONAL PROPERTY LEASE PURCHASE AGREEMENT WITH NORTON MCNAUGHTON OF SQUIRE, INC. AND SUCH OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH AS APPROVED BY THE CHAIRMAN/SUPERVISOR OF COUNTY COUNCIL WHICH AGREEMENTS INCLUDE (A) THE CONSENT OF THE COUNTY TO THE MERGER OF MCNAUGHTON APPAREL HOLDINGS INC. INTO NORTON MCNAUGHTON OF SQUIRE, INC. AND (B) AT THE ELECTION OF NORTON MCNAUGHTON OF SQUIRE, INC., EITHER (I) THE CONVERSION OF THE FEE-IN-LIEU OF TAXES ARRANGEMENT INTO A NON-LEASEHOLD ARRANGEMENT UNDER CHAPTER 44 OF TITLE 12 OF THE SOUTH CAROLINA CODE OF LAWS (TOGETHER WITH THE RECONVEYANCE TO NORTON MCNAUGHTON OF SQUIRE, INC. OF THE PERSONAL PROPERTY LEASED BY NORTON MCNAUGHTON OF SQUIRE, INC. FROM THE COUNTY PURSUANT TO THE PERSONAL PROPERTY LEASE PURCHASE AGREEMENT) OR (II) THE ACCEPTANCE BY THE COUNTY OF TITLE TO THE PERSONAL PROPERTY WITH RESPECT TO THE SECOND PHASE OF THE PROJECT AND THE LEASE OF SUCH PERSONAL PROPERTY BACK TO NORTON MCNAUGHTON OF SQUIRE, INC. AND AUTHORIZING THE EXECUTION AND DELIVERY OF SAID ADDENDUMS, DOCUMENTS AND AGREEMENTS.”

It was moved by Councilmember Vaughn and seconded by Councilmember Pinckney to approve **Bill No. 02-62** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-12-64 is attached to these Minutes.)

“**BILL NO. 02-63**, AN ORDINANCE OF BERKELEY COUNTY, SOUTH CAROLINA (THE ‘COUNTY’) (A) CONSENTING, AS REQUIRED BY THE TERMS OF THAT CERTAIN REAL PROPERTY LEASE PURCHASE AGREEMENT (THE ‘REAL PROPERTY LEASE AGREEMENT’) BETWEEN THE COUNTY AND E. AND H. ROSS/CHARLESTON INDUSTRIAL, LLC (‘ROSS’), TO THE MERGER OF MCNAUGHTON APPAREL HOLDINGS INC. INTO NORTON MCNAUGHTON OF SQUIRE, INC. (‘NORTON MCNAUGHTON’), (B) CONVERTING THE EXISTING FEE-IN-LIEU OF TAXES ARRANGEMENT WITH ROSS INTO A NON-LEASEHOLD ARRANGEMENT UNDER CHAPTER 44 OF TITLE 12 OF THE SOUTH CAROLINA CODE

OF LAWS AND IN CONNECTION THEREWITH AUTHORIZING THE RECONVEYANCE BY THE COUNTY TO ROSS OF THE REAL PROPERTY LEASED BY ROSS FROM THE COUNTY UNDER THE REAL PROPERTY LEASE AGREEMENT, (C) CONSENTING TO THE ADDITION OF NORTH POINT PARK, LLC ('NORTH POINT') AS A SPONSOR AFFILIATE FOR PURPOSES OF COMPLETING THE SECOND PHASE OF THE PROJECT DESCRIBED IN THE FILOT AGREEMENT (AS DEFINED BELOW), (D) SUBJECTING THE LAND ON WHICH THE SECOND PHASE OF THE PROJECT IS LOCATED TO THE TERMS AND CONDITIONS OF THE FILOT AGREEMENT, AND (E) AUTHORIZING THE EXECUTION AND DELIVERY BY THE COUNTY OF A FEE-IN-LIEU OF TAXES AGREEMENT ('FILOT AGREEMENT') AMONG THE COUNTY, ROSS, NORTH POINT AND NORTON MCNAUGHTON AND SUCH OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH AS APPROVED BY THE CHAIRMAN/SUPERVISOR OF COUNTY COUNCIL TO EFFECT THE FOREGOING."

It was moved by Councilmember Vaughn and seconded by Councilmember Pinckney to approve **Bill No. 02-63** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (Bill No. 02-63 was not assigned an Ordinance Number at this time per instruction from Legal Counsel, Manning Unger.)

"BILL NO. 02-64, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT AND CERTAIN INSTRUMENTS RELATING THERETO BY AND BETWEEN BERKELEY COUNTY AND KNOLOGY OF CHARLESTON, INC., WHEREBY, BERKELEY COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH KNOLOGY OF CHARLESTON, INC.; PROVIDING FOR PAYMENT BY KNOLOGY OF CHARLESTON, INC. OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO."

It was moved by Councilmember Vaughn and seconded by Councilmember Pinckney to approve **Bill No. 02-64** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 02-12-65 is attached to these Minutes.)

Councilmember Mims requested that Bills for Second Reading be read by Bill Numbers only.

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READINGS:

"BILL NO. 02-65, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS # 263-00-02-032." (Ted E. Andrae for W. B. Cox & Lorraine Easterby)

“BILL NO. 02-66, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #221-16-01-017.” (Gralin Hampton)

“BILL NO. 02-67, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #210-00-00-076.” (Marea B. Matthews)

“BILL NO. 02-68, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS # 175-00-01-054.” (Johnnie B. Capers)

“BILL NO. 02-69, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS # 184-00-00-014.” (Benjamin D. Villeponteaux)

It was moved by Councilmember Vaughn and seconded by Councilmember Pinckney to approve all of the previous Bills for Second Reading. The motion passed by unanimous voice vote of Council.

Chairman Rozier read the eight Bills for First Reading by title only and explained that on Bills for First Reading there is no discussion or vote. They are simply read into the record and sent to the proper committee for discussion.

FIRST READINGS:

“BILL NO. 02-70, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #211-00-02-075 & 211-00-02-062.” (Patillo Construction Company, Inc. for Gwinnett Industries, Inc.)

“BILL NO. 02-71, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #234-00-00-011 & 234-00-00-136.” (Mt. Holly Associates)

“BILL NO. 02-72, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #161-00-02-076.” (Berkeley Investments Company, Inc.)

“BILL NO. 02-73, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #210-00-00-047.” (Berkeley Industrial Developers)

“BILL NO. 02-74, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE RECLASSIFICATION OF APPROVED USES OF TMS #123-00-02-030.” (John W. and Miriam A. Mitchum)

“BILL NO. 02-75, AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS OF BERKELEY COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; LIMITING THE PAYMENT OF THE BONDS SOLELY TO THE NET REVENUES DERIVED FROM THE OPERATION OF THE SYSTEM AND PLEDGING THE REVENUES TO SUCH PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING.”

“BILL NO. 02-76, A FIRST SUPPLEMENTAL ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BERKELEY COUNTY, SOUTH CAROLINA, WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2003, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$99,000,000; PRESCRIBING THE FORM AND DETAILS OF SUCH BONDS; AND OTHER MATTERS RELATING THERETO.”

“BILL NO. 02-77, AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH ORANGEBURG COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN BERKELEY AND ORANGEBURG COUNTIES AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH ORANGEBURG COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND, TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR INDUSTRIES LOCATING IN SAID PARK, AND TO PERMIT A USER FEE IN LIEU OF AD VALOREM TAXATION.”

Chairman Rozier stated in reference to Bill No. 02-77 that the County is creating a Joint Industrial Park with Orangeburg because there is a company that will build part of their operation in Berkeley County and part in Orangeburg County. This would normally go to Williamsburg County, but in order for them to use both investments as one fee-in-lieu, we need to create this Industrial Park with Orangeburg County. There is no difference as far as revenue than it would be if it were done with Williamsburg County.

Chairman Rozier stated there were four Resolutions and indicated he would address the fourth Resolution before it is read.

RESOLUTIONS:

“RESOLUTION, PROVIDING FOR THE TRANSFER OF FUNDS IN 2002/2003 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Crosby and seconded by Councilmember Vaughn to adopt the Transfer Resolution as presented. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-57 is attached to these Minutes.)

“RESOLUTION, PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2002/2003 SANGAREE SPECIAL TAX DISTRICT BUDGET FOR SANGAREE SPECIAL TAX DISTRICT PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved Councilmember Vaughn and seconded by Councilmember Davis to adopt the Transfer Resolution for Sangaree.

Councilmember Pinckney asked did this Resolution pertain to the increase for the employee? Chairman Rozier stated, yes.

The motion resulted in a Roll Call vote as follows:

Councilmember Farley	“Aye”
Councilmember Spooner	“Nay”
Councilmember Crosby	“Aye”
Councilmember Charles Davis	“Aye”
Councilmember Vaughn	“Aye”
Councilmember Mims	“Aye”
Councilmember Pinckney	“Nay”
Councilmember Steve Davis	“Nay”

The motion passed by majority vote of Council with 5 “Ayes” and 3 “Nays.” (A copy of Resolution No. R 02-58 is attached these Minutes.)

“RESOLUTION, APPROVING THE PROPOSED ANNEXATION OF 4.04 ACRES OF TMS #487-00-00-026, OWNED BY VAUGHN DEVELOPMENT INCORPORATED, FROM CHARLESTON COUNTY INTO BERKLEY COUNTY.”

Councilmember Steve Vaughn asked to be excused from voting on this Resolution. (A copy of the statement is attached hereto and by this reference is made a part hereof.)

It was moved by Councilmember Farley and seconded by Councilmember Crosby to adopt the Resolution as presented. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-59 is attached to these Minutes.)

Chairman Rozier stated that without objection he would like to present the next Resolution.

“RESOLUTION, APPROVING ASSIGNMENT OF EXISTING FEE-IN-LIEU OF TAXES ARRANGEMENTS BY BAYER CORPORATION.”

It was moved by Councilmember Vaughn and seconded by Councilmember Spooner to approve the Resolution for Bayer as presented. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-61 is attached to these Minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Councilmember Steve M. Vaughn, Chairman.

Councilmember Vaughn stated the Committee met on December 9, 2002 and all matters before them were taken care of on tonight's agenda.

COMMITTEE ON LAND USE, Councilmember Charles E. Davis, Chairman.

Councilmember Charles Davis stated the Committee met on December 9, 2002 and all matters before them have been taken care of on tonight's agenda.

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Councilmember William E. Crosby, Chairman.

Councilmember Crosby stated the Committee met on December 9, 2002, and on recommendation of the Committee he moved to award the following for construction on Landfill Cells 5 and 6:

Contract A – Robert O. Collins, Co.	\$ 590,467.50
Contract B – Environmental Fabrics Inc.	99,452.00
Contract C-1 – Environmental Specialties International, Inc.	117,760.00
Contract C2 & C3 - GSE Lining Technology, Inc.	<u>221,335.00</u>
Total Amount of Contracts	\$ 1,029,014.50
(No Second Required)	

The motion passed by unanimous voice vote of Council.

Councilmember Crosby continued, on recommendation of the Committee he moved to award the following for the Water and Sewer System Refunding and Improvement Bonds, Series 2003. The underwriting team shall be:

Senior Manager: Banc of America Securities, LLC
Co-Managers: Morgan Keegan & Company, Inc. and Raymond
Jones & Associates.

(No Second Required)

The motion passed by unanimous voice vote of Council.

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Councilmember Milton Farley, Chairman.

Councilmember Farley stated the Committee met on December 9, 2002 and all matters before them have been taken care of on tonight's agenda.

There was no report from the **COMMITTEE ON WATER AND SANITATION**, Councilmember Steve Davis, Chairman.

COMMITTEE AND PLANNING AND DEVELOPMENT, Councilmember Judith K. Spooner, Chairman.

Councilmember Spooner stated the Committee met on December 9, 2002 and several matters have been taken care of on tonight's agenda. She stated that Bill No. 02-54, regarding permits and fees was held in Committee pending further information.

There was no report from the committees on **COMMUNITY SERVICES**, Councilmember Judy C. Mims, Chairman; and **HUMAN SERVICES**, Councilmember Caldwell Pinckney, Jr., Chairman.

There were no **NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

There was no **CORRESPONDENCE** or **UNFINISHED BUSINESS**.

NEW BUSINESS

Chairman Rozier read the following items under new business.

“RESOLUTION, MAKING APPLICATION TO THE STATE BUDGET AND CONTROL BOARD OF SOUTH CAROLINA FOR APPROVAL OF THE ISSUANCE BY BERKELEY COUNTY, SOUTH CAROLINA OF ITS POLLUTION CONTROL REFUNDING REVENUE BONDS (SOUTH CAROLINA GENERATING COMPANY, INC., PROJECT), PURSUANT TO THE PROVISIONS OF TITLE 48, CHAPTER 3, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE PRINCIPAL AMOUNT NECESSARY TO REFUND THE OUTSTANDING PRINCIPAL AMOUNT OF THE \$35,850,000 ORIGINAL PRINCIPAL AMOUNT BERKELEY COUNTY, SOUTH CAROLINA, POLLUTION

CONTROL FACILITIES REFUNDING REVENUE BONDS (SOUTH CAROLINA ELECTRIC & GAS COMPANY PROJECT), SERIES 1984.”

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to adopt the Resolution as presented. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 02-60 is attached to these Minutes.)

“**BILL NO. 02-78**, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$35,850,000 PRINCIPAL AMOUNT BERKELEY COUNTY, SOUTH CAROLINA POLLUTION CONTROL REFUNDING REVENUE BONDS (SOUTH CAROLINA GENERATING COMPANY, INC. PROJECT), PURSUANT TO CHAPTER 3, TITLE 48, VOLUME 16, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT, A BOND TRUST INDENTURE, A BOND PURCHASE AGREEMENT, A TAX COMPLIANCE AGREEMENT AND OTHER DOCUMENTS RELATED THERETO IN CONNECTION THEREWITH; APPROVING THE EXECUTION AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE IN CONNECTION WITH THE FOREGOING; AND OTHER MATTERS INCIDENTAL THERETO.”

It was moved by Councilmember Vaughn and seconded by Councilmember Crosby to approve Bill No. 02-78 for First Reading. The motion passed by unanimous voice vote of Council.

ANNOUNCEMENTS

Chairman Rozier announced that there would be a Special Meeting of Berkeley County Council on Monday, January 6, 2003, in the Assembly Room at 6:00 p.m. for the reorganization of County Council. He stated the Regular Meeting of Council would be held on January 27, 2002.

At this time Chairman Rozier presented a plaque to Councilmember Steve M. Vaughn, which read: “PRESENTED TO STEVE M. VAUGHN IN APPRECIATION FOR YOUR SERVICE ON BERKELEY COUNTY COUNCIL FROM 1991- 2002.” “ANOTHER DAY IN PARADISE.”

It was moved by Councilmember Crosby and seconded by Councilmember Vaughn to adjourn. The motion passed by unanimous voice vote of Council.

The Meeting adjourned at 8:45 p.m.

S/Barbara B. Austin
Clerk of County Council

January 27, 2003
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on Monday December 16, 2002, is scheduled to begin at 7:00 P.M., in the ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.

INVOCATION

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Public Hearings Bills Numbered: 02-45, 02-46, 02-47, 02-48,
02-49, 02-50, 02-51, and 02-54
Bill Numbered 02-55 (Charleston Midstream)
Regular Council Meeting

November 25, 2002
November 25, 2002
November 25, 2002

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

Ms. Charlotte Allen, CPA, Bryan, Truesdale, Atkins and Williams, PA, Certified Public Accountants, Re: Presentation of Audit and Financial Statements.

THIRD READING:

1. Bill No. 02-55, an Ordinance authorizing the execution and delivery and sale of not exceeding \$7,000,000 aggregate principal amount of Berkeley County, South Carolina, industrial development revenue bonds; the lending of the proceeds of the bonds to provide funds to Charleston Midstream Transfer Facility, LLC (the "Company") to defray the cost of acquiring certain machinery, equipment, and other property; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the bonds, including a loan agreement between the county and the company; a trust indenture, securing such issue of bonds and prescribing matters related thereto; a bond purchase

agreement; and an offering memorandum with respect to the bonds; and other matters relating thereto.

[Recommended by Committee on Finance]

2. **Bill No. 02-56**, an Ordinance to amend and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, "Berkeley County Zoning Ordinance" and to repeal in their entirety Ordinances Numbered 86-12-10, 87-9-17, 88-2-3 and 93-12-33.

[Recommended by Committee on Planning and Development]

3. **Bill No. 02-57**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: New South Enterprises, Inc., 1064 Clements Ferry Road, Wando, TMS # 263-00-03-028 (1 lot), from R-2, Manufactured Residential District, to GC, General Commercial District. Council District No. 2.

[Recommended by Committee on Land Use]

4. **Bill No. 02-58**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: George R. Herrin as Trustee, 2813 North Main Street, Summerville, TMS #222-00-00-050 (a 127.10 acre portion, 166.53 acres total), from PDMU, Planned Development-Mixed Use Development District, to GC, General Commercial District, and (a 39.43 acre portion, 166.53 acres total), from PDMU, Planned Development-Mixed Use Development District, to R-5, Multi Family, Large Scale District. Council District No. 4.

[Recommended by Committee on Land Use]

5. **Bill No. 02-59**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Linda L. Berger, 139 Starlifter Drive, Summerville, TMS #222-11-00-037 (3 acres), from R-1, Single Family Residential District, to R-111, Rural Single-Family District. Council District 4.

[Recommended by Committee on Land Use]

6. **Bill No. 02-60**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Doretta M. Olszewski, 1562 State Road, Summerville, TMS #195-14-00-064 (2.18 acres), from GC, General Commercial District, to F-1, Agricultural District. Council District No. 6.

[Recommended by Committee on Land Use]

7. **Bill No. 02-61**, an Ordinance to amend the agreement for development of a Joint County Industrial Park executed on April 24, 1995, by and among Berkeley County, South Carolina, and Williamsburg County, South Carolina, providing for the development of a jointly owned and operated industrial business park so as to include additional property in both Berkeley County and Williamsburg County as part of the Joint County Industrial Park, and other matters relating thereto.

[Recommended by Committee on Finance]

8. **Bill No. 02-62**, an Ordinance authorizing Berkeley County, South Carolina (the "County") to enter into a second addendum to that certain personal property lease purchase agreement with Norton McNaughton of Squire, Inc. and such other documents and agreements in connection therewith as approved by the Chairman/Supervisor of County Council which agreements include (a) the consent of the county to the merger of McNaughton Apparel Holdings Inc. into Norton McNaughton of Squire, Inc. and (b) at the election of Norton McNaughton of Squire, Inc., either (i) the conversion of the fee-in-lieu of taxes arrangement into a non-leasehold arrangement under Chapter 44 of Title 12 of the South Carolina Code of Laws (together with the reconveyance to Norton McNaughton of Squire, Inc. of the personal property leased by Norton McNaughton of Squire, Inc. from the County pursuant to the personal property lease purchase agreement) or (ii) the acceptance by the County of title to the personal property with respect to the second phase of the project and the lease of such personal property back to Norton McNaughton of Squire, Inc. and authorizing the execution and delivery of said addendums, documents and agreements.

[Recommended by Committee on Finance]

9. **Bill No. 02-63**, an Ordinance of Berkeley County, South Carolina (the "County") (a) consenting, as required by the terms of that certain real property lease purchase agreement (the "real property lease agreement") between the County and E. and H. Ross/Charleston Industrial, LLC ("Ross"), to the merger of McNaughton Apparel Holdings Inc. into Norton McNaughton of Squire, Inc. ("Norton McNaughton"), (b) converting the existing fee-in-lieu of taxes arrangement with Ross into a non-leasehold arrangement under chapter 44 of title 12 of the South Carolina Code of Laws and in connection therewith authorizing the reconveyance by the County to Ross of the real property leased by Ross from the County under the real property lease agreement, (c) consenting to the addition of North Point Park, LLC ("North Point") as a sponsor affiliate for purposes of completing the second phase of the project described in the FILOT agreement (as defined below), (d) subjecting the land on which the second phase of the project is located to the terms and conditions of the FILOT agreement, and (e) authorizing the execution and delivery by the County of a fee-in-lieu of taxes agreement ("FILOT agreement") among the County, Ross, North Point and Norton McNaughton and such other documents and agreements in connection therewith as approved by the Chairman/Supervisor of County Council to effect the foregoing.

[Recommended by Committee on Finance]

10. **Bill No. 02-64**, an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement and certain instruments relating thereto by and between Berkeley County and Knology of Charleston, Inc., whereby, Berkeley County will enter into a fee-in-lieu of taxes arrangement with Knology of Charleston, Inc.; providing for payment by Knology of Charleston, Inc. of certain fees in lieu of Ad Valorem taxes; and other matters relating thereto.

[Recommended by Committee on Finance]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 02-65**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Ted E. Andrae for W. B. Cox & Lorraine Easterby, 1094 Clements Ferry road, Cainhoy, TMS 263-00-03-032 (a 7 acre portion, 29.86 acres total), from R-2, Manufactured Residential District, to GC, General Commercial District. Council District No. 2.

[Recommended by Committee on Land Use]

2. **Bill No. 02-66**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Gralin Hampton, 1737 North Main Street, Summerville, TMS #221-16-01-017 (2.5 acres), from 01, Office and Institutional District, to GC, General Commercial District. Council District No. 4.

[Recommended by Committee on Land Use]

3. **Bill No. 02-67**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Marea B. Matthews, Trustee, 2963 North Main Street, Moncks Comer, TMS #210-00-00-076 (0.50 acre), from R-2, Manufactured Residential district, to GC, General Commercial District. Council District No. 6.

[Recommended by Committee on Land Use]

4. **Bill No. 02-68**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Johnnie B. Capers for Jerry & Regenia Capers, 1116 Old Gilliard Road, Ridgeville, TMS #175-00-01-054 (2 acres), from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 7.

[Recommended by Committee on Land Use]

5. **Bill No. 02-69**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Benjamin D. Villeponteaux, 2779 Highway 402, Cordesville, TMS # 184-00-00-014 (a .09 portion, 1 acre total), from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District. Council District No. 8.

[Recommended by Committee on Land Use]

FIRST READING:

1. **Bill No. 02-70**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Patillo Construction Company, Inc. for Gwinnett Industries, Inc., Cypress Gardens Road, Moncks Comer, TMS #211-00-02-075 (a 8.3 acre portion, 433.63 acres total), from HI, Heavy Industrial District, and for Dekalb Apartments, Inc., Cypress Gardens Road, TMS #211-00-02-062 (438.7 acres), from F-1, Agricultural District, to R-1, Single Family

2. **Bill No. 02-71**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Mt. Holly Associates, LLC, Mt. Holly Road at U. S. Hwy 176, Goose Creek, TMS #234-00-00-011 (17.83 acres), and TMS #234-00-00-136 (7.23 acres), from PDMU, Planned Development, Mixed Use Development District, to GC, General Commercial District. Council District No. 3.
[Recommended by Committee on Land Use]

3. **Bill No. 02-72**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Berkeley Investments Company, Inc., South Live Oak Drive, Moncks Comer, TMS #161-00-02-076 (a 17.42 acre portion, 76.04 acres total), from PDMU, Planned Development-Mixed Use Development District, to GC, General Commercial District. Council District No. 6.
[Recommended by Committee on Land Use]

4. **Bill No. 02-73**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Berkeley Industrial Developers, Lazy Hill Road and Cypress Gardens Road, Moncks Comer, TMS #210-00-00-047 (a 54.82 acre portion, 199.14 acres total), from HI, Heavy Industrial District, and R-2, Manufactured Residential District to R-1, Single Family District. Council District No. 6.
[Recommended by Committee on Land Use]

5. **Bill No. 02-74**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: John W. and Miriam A. Mitchum, Highway 17-A, Moncks Comer, TMS #123-00-02-030 (2.06 acres), from F-1, Agricultural District, to GC, General Commercial. Council District No. 8.
[Recommended by Committee on Land Use]

6. **Bill No. 02-75**, An Ordinance authorizing and providing for the issuance of Water and Sewer System Revenue Bonds of Berkeley County, South Carolina; prescribing the form of bonds; limiting the payment of the bonds solely to the net revenues derived from the operation of the system and pledging the revenues to such payment; creating certain funds and providing for payments into such funds; and making other covenants and agreements in connection with the foregoing.
[Recommended by Committee on Finance]

7. **Bill No. 02-76**, a First Supplemental Ordinance providing for the issuance and sale of Berkeley County, South Carolina, Water and Sewer System Revenue Bonds, series 2003, in the principal amount of not exceeding \$99,000,000; prescribing the form and details of such bonds; and other matters relating thereto.
[Recommended by Committee on Finance]

8. **Bill No. 02-77**, an Ordinance to develop a jointly owned and operated industrial/business park in conjunction with Orangeburg County, such Industrial/Business Park to be geographically located in Berkeley and Orangeburg Counties and established pursuant to South Carolina Code of Laws of 1976 §4-1-170, et sequitur, as amended; to provide for a

written agreement with Orangeburg County providing for the expenses of the park, the percentage of revenue application, and the distribution of fees in lieu of ad valorem tax to the counties and relevant taxing entities; and, to provide that jobs tax credits allowed by law be provided for industries locating in said park, and to permit a user fee in lieu of ad valorem taxation.

[Recommended by Committee on Finance]

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2002-2003 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. **RESOLUTION** providing for the Transfer of Funds in the 2002-2003 Sangaree Special Tax District Budget for Sangaree Special Tax District purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

3. **RESOLUTION** approving the proposed annexation of 4.04 acres of TMS #487--00-00-026, owned by Vaughn Development, Incorporated, from Charleston County into Berkeley County.

[Recommended by the Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance.
Councilmember Steve M. Vaughn, Chairman.
2. Committee on Land Use.
Councilmember Charles E. Davis, Chairman.
3. Committee on Public Works and Purchasing.
Councilmember William E. Crosby, Chairman.
 - a. Solid Waste Management Facility, Cells 5 and 6.
 - b. 2003 Revenue Bond Underwriters Services.
4. Committee on Justice and Public Safety.
Councilmember Milton Farley, Chairman
5. Committee on Water and Sanitation.
Councilmember Steve C. Davis, Chairman.
6. Committee on Planning and Development.
Councilmember Judith K. Spooner, Chairman.

7. Committee on Community Services.
Councilmember Judy C. Mims, Chairman.
8. Committee on Human Services.
Councilmember Caldwell Pinckney, Jr., Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

BERKELEY-CHARLESTON-DORCHESTER RTMA
CHARLESTON NAVAL COMPLEX REDEVELOPMENT AUTHORITY
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
GOOSE CREEK RECREATION COMMISSION
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
PLANNING COMMISSION
SPIERS LANDING COMMISSION
WATER AND SANITATION APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

- a. A **RESOLUTION** making application to the State Budget and Control Board of South Carolina for approval of the issuance by Berkeley County, South Carolina of its Pollution Control Refunding Revenue Bonds (South Carolina Generating company, Inc., project), pursuant to the provisions of Title 48, Chapter 3, Code of Laws of South Carolina 1976, as amended, in the principal amount necessary to refund the outstanding principal amount of the \$35,850,000 original principal amount Berkeley County, South Carolina, Pollution Control Facilities Refunding Revenue Bonds (South Carolina Electric & Gas Company Project), series 1984.
- b. **Bill No. 02-78**, An **ORDINANCE** authorizing the issuance of not exceeding \$35,850,000 principal amount Berkeley County, South Carolina Pollution Control Refunding Revenue Bonds (South Carolina Generating Company, Inc. project), pursuant to Chapter 3, Title 48, volume 16, Code of Laws of South Carolina 1976, as amended; the execution and delivery of a loan agreement, a bond trust indenture, a bond purchase agreement, a tax compliance agreement and other documents related thereto in connection therewith; approving the execution and distribution of an official statement; authorizing the proper officers to do all things necessary or advisable in connection with the foregoing; and other matters incidental thereto.

ANNOUNCEMENTS

The JANUARY 2003, Regular Meeting of Berkeley County Council will be held on
MONDAY JANUARY 28TH, 2003, in THE ASSEMBLY ROOM, 223 NORTH
LIVE OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

December 11, 2002
S/Barbara B. Austin
Clerk to County Council